

REMARKS

The office action of May 5, 2005 has been carefully considered together with the prior art references that have been cited and applied. It is noted that claims 23-31 have been withdrawn from consideration, that claims 38 and 39 have been allowed and claims 41-43 have been objected to. The remaining claims have been rejected under one or more of §§ 112, 102 and 103. These rejections will be individually addressed.

While the examiner's objection to the drawing elevates form over substance, Figs. 1 and 2 have been revised to illustrate the existence of the motor which is shown as a result of breaking away some of the housing structure 36. The motor has been given reference number 37. Similarly, a bit 55 has been illustrated in Fig. 1. The specification has been amended at page 6, line 6 to reflect the motor 37 being shown.

The objection to the drawings because of duplication of reference numbers or errors in the specification have been corrected by the above-referenced specification amendments and by revising Figs. 9, 10, 11, 12 and 13 to change the screw reference number 194 to number 195.

With regard to the examiner's criticism of lines 13-18 of page 11, it is believed that the text is accurate and not confusing. If anything, it appears that the examiner objects to the characterization that the post 138 as being the *left* post 138. There is no doubt as to which post is being discussed, the only issue is whether it should be a left or right post. It is noted that Fig. 8 is described as a left rear perspective at page 4, line 11. The components of the structure were originally described from the

perspective of the front rather than the rear and from that perspective, post 138 is the left post. With regard to the comment that the threaded rod does not appear to be extended through fitting 148, it is noted that Fig. 8 is partially exploded and is so indicated in the description of Fig. 8 on page 4, line 12. It is submitted that further clarification is unnecessary. It is also noted that these drawings were computer generated by the designers of this product and are accurate.

Corrected drawings as has been described above are enclosed herewith separate request.

With regard to the rejection of claims 1-22 and 40-43 under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement, applicants respectfully traverse this rejection. As described in the specification and as is well known in the art, a hybrid router is one which has some common components and which can be operated both as a fixed base router and a plunge router (see page 2, lines 11-13; page 2, line 19 through page 3, line 8.) The specification does not state nor remotely infer that the hybrid router would operate with a fixed base and a plunge base *simultaneously*. Such a contention by the examiner defies common sense. It is also believed that this rejection is without sufficient legal foundation and if it is maintained, applicants respectfully request legal support such as reference to court decisions, MPEP sections or 37 CFR citations.

With regard to claim 40, the examiner objects to the language “relatively thin wall around the circumference thereof” which is simply not understood. The

examiner notes that the specification and drawings in Figs. 19-23 define a thin wall segment to be associated with the fixed base assembly. If the examiner were to observe Figs. 8-10, it is apparent that there is a live hinge structure associated with the plunge base assembly that operates in a substantially similar manner and has approximately the same relative thickness as is evident from the drawing as well as the discussion of the operation. It is believed that this claim totally complies with the enablement requirement of 35 U.S.C. 112, first paragraph.

The examiner has also rejected claims 1-22, 34-37 and 40-43 under 35 U.S.C. § 112, second paragraph, as being indefinite, because “there is no cooperative mechanical critical structure positively recited as it relates to the fixed base assembly and the plunge base assembly. For example, it is unclear how the elements of the fixed base assembly relate to the elements of the plunge base assembly and that it appears to be an aggregation.” Applicants respectfully traverse this rejection. First of all there is no need to relate fixed base assembly elements to plunge base assembly elements for the reason that they do not operate together with one another. The claim however clearly describes elements of the motor assembly interacting with the fixed base assembly as well as with the plunge base assembly, and the interaction is claimed in a manner that refutes any conclusion that it is a mere aggregation. If the examiner maintains this rejection, applicants respectfully request that legal support in the form of court decisions, MPEP sections or 37 CFR sections that provide a basis for this rejection.

With regard to the rejection of claim 34, applicants respectfully traverse this rejection for the reason that the elements properly relate to a locking mechanism for the plunge base assembly. As previously mentioned, such a live hinge arrangement is used in both the fixed base assembly and the plunge base assembly as is clearly described in the specification and also shown by comparing Figs. 8-10 with Figs. 18-20. With regard to the examiner's statement that there is insufficient antecedent basis with regard to the recitation "said first motor assembly locking mechanism", and "said one thin wall segment", the examiner's position is well-founded and the term "first" has been deleted and the term "relatively" has been added to this claim.

With regard to the examiner's objection to the phrase "at least one segment of relatively thin wall around the circumference" as set forth in claims 34 and 40, applicants respectfully traverse this rejection for the reason that one of ordinary skill would know the meaning of this phrase in the context of the claim. It is clear that the segment is a portion where the elongated live hinge is located, since claim 34 has the element "an elongated live hinge in said one thin wall segment, said hinge having one end integral with said wall and an unattached opposite free end" as well as the clamp lever that interacts with the live hinge in the manner as recited in the claim. Again, one of ordinary skill would have no difficulty in understanding this phrase in the context that it is used.

With regard to claim 40 and the examiner's position with said second motor assembly locking mechanism, the applicants have amended the claim to delete the

word “second” from the recitation and has also added the word “relatively” to the claim. While the term “thin wall” has not been used with regard to the plunge base assembly, the discussion of the live hinge beginning at page 12, line 15 through page 13, line 21 clearly describes the live hinge configuration and operation. Moreover, the drawings indicate that the live hinge clamping and motor assembly locking mechanism 64 is substantially similar to the motor assembly locking mechanism 90. In fact, the specification specifically so states, at page 17, line 17: “in a manner *substantially similar* to the plunge base assembly, the fixed base assembly 34 has a motor assembly locking mechanism, indicated generally at 90, . . .”

The examiner has rejected claims 32, 33 and 44-47 under 35 U.S.C. 102(b) as being anticipated by Coffey. The law of anticipation has been clearly established by the Court of Appeals for the Federal Circuit decisions can be characterized as follows:

An invention is anticipated if the same device, including *all* the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claims in question. *Scripps Clinic and Research Found. v. Genentech, Inc.*, 927 F.2d 1565, 1576 (Fed. Cir. 1991); *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 1548 (Fed. Cir. 1983). The *identical* invention must be shown by the prior art reference in as much detail as is contained in the patent claim. *Richardson v. Suzuki Motor Co., Ltd.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989); *Continental*

Can Co. v. Monsanto Co., 948 F.2d 1264, 1267 (Fed. Cir. 1991); *Titanium Metals Corp. v. Banner*, 778 F.2d 775, 780 (Fed. Cir. 1985).

Applicants respectfully traverse this anticipation rejection. Moreover, it is not believed that these claims are anticipated by Coffey. Moreover, it is also not believed that they are taught or suggested by Coffey, either applied singularly or in combination with any of the other references of record including Long. The examiner has ignored the language of independent claims 32, 44 and 46, all of which have express recitations that clearly are not met by Coffey. With regard to these claims, it is simply not understood how the examiner can legitimately make an anticipation rejection when the examiner admits that the *operating handles 20 are attached to the housing via the base assembly 10*.

Clearly, the base assembly 10 is not the housing that is defined in these claims. More specifically, claim 32 defines a router that has a motor assembly having a housing containing a motor for driving an output shaft to which a bit holding mechanism can be attached, *operating handles attached to said housing for use by an operator*, and operating controls for operating said motor and a fixed base assembly (as defined) into which said motor assembly can be *removably* installed. Coffey simply fails to meet this claim for the reason that the handles on Coffey are in the base assembly and not the cylindrical motor housing. Moreover, Coffey does not have the motor assembly removably installed in the fixed base assembly. There is no discussion of removability regarding the motor housing in the entire Coffey specification. (The fact that any product

can be torn apart or disassembled is not proper interpretation of the language of the claim.)

Coffey is also not a hybrid router so it does not particularly matter where the handles are located. However, the router claimed in claim 32 has handles that are part of the motor assembly which does have advantages in the context of a hybrid router in that the user will have the same feel of the handles during operation and a single set of handles being placed in the motor assembly enables the motor assembly to be used with a plunge base assembly or a fixed base assembly. Applicants are unaware of any hybrid router that has operating handles on a motor assembly. Reconsideration and allowance of claim 32 is respectfully requested.

The router claimed in claim 44 also has a motor assembly with operating handles attached to said housing and therefore the arguments that have been made with regard to claim 32 equally apply to this claim. Reconsideration and allowance of this claim is respectfully requested.


Similarly, claim 46 is directed to a router motor assembly. It also has a motor assembly comprising a housing with a motor for driving an output shaft to which a bit holding mechanism can be attached for holding a tool bit and *operating handles attached to said housing* for use by an operator. Therefore, the arguments that have been made with regard to claim 32 equally apply to this claim. Reconsideration and allowance of this claim is also respectfully requested.

The dependent claims necessarily include the features of the independent claims from which they depend and in addition recite other features and/or functionality that are not found in the independent claims and for this reason, it is believed that all of the dependent claims are also in condition for allowance.

Reconsideration and allowance of all pending claims in this application is respectfully requested.

Respectfully submitted,

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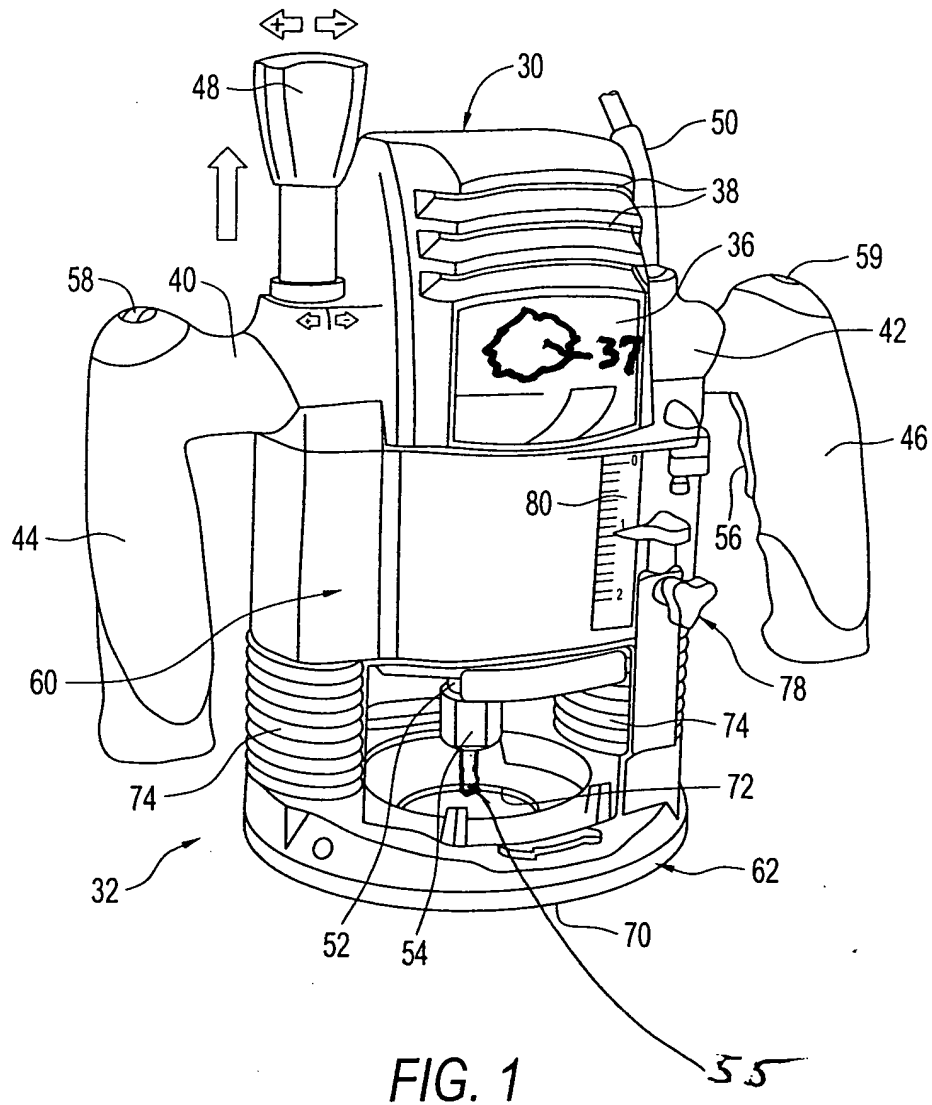


FIG. 1



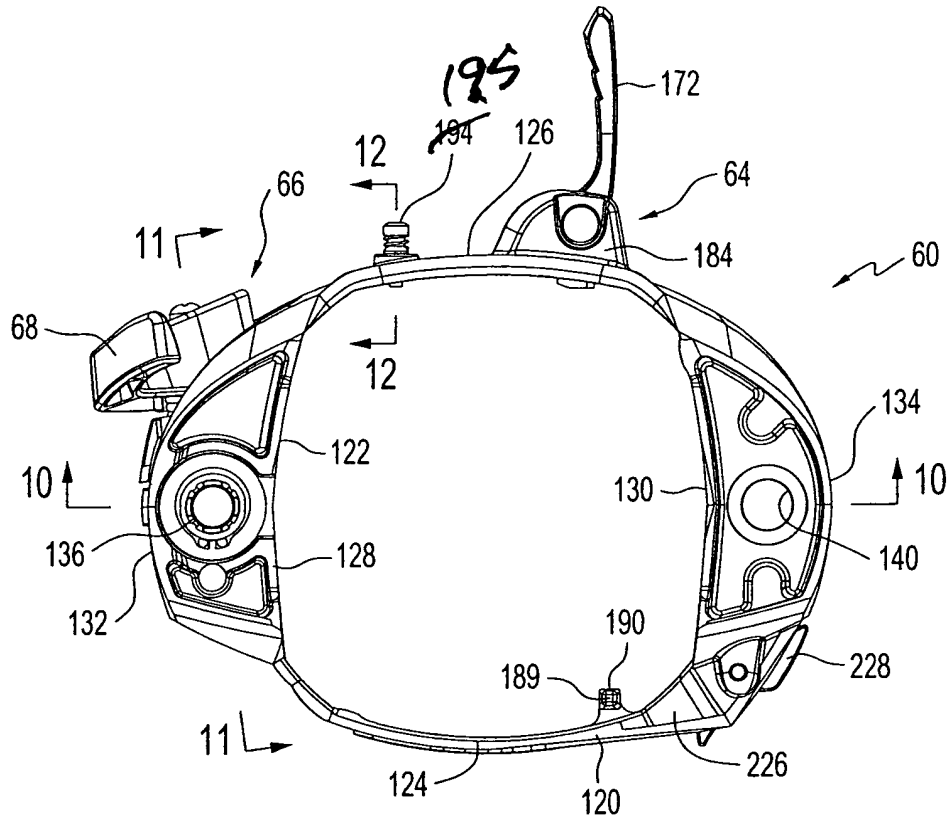


FIG. 9

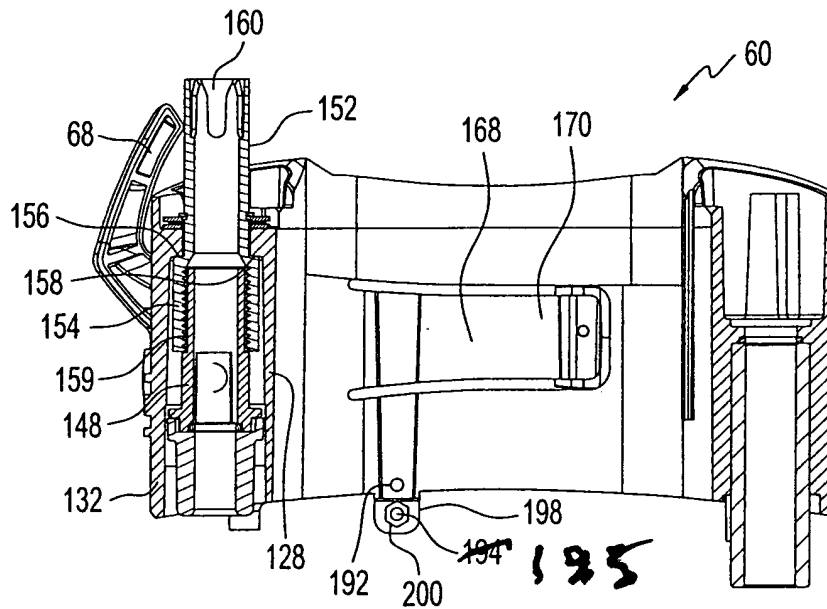


FIG. 10

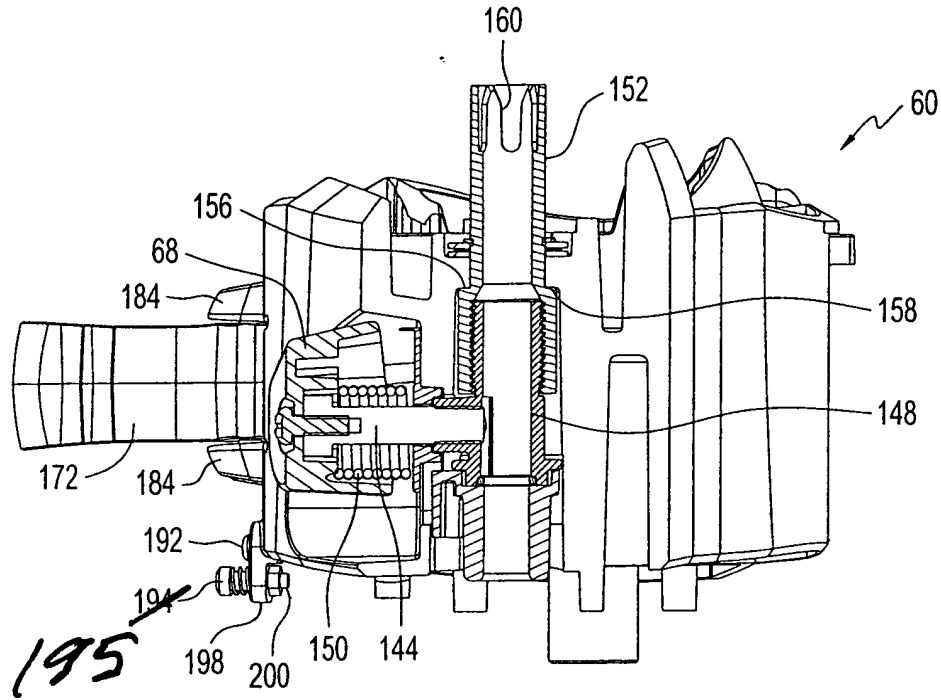


FIG. 11

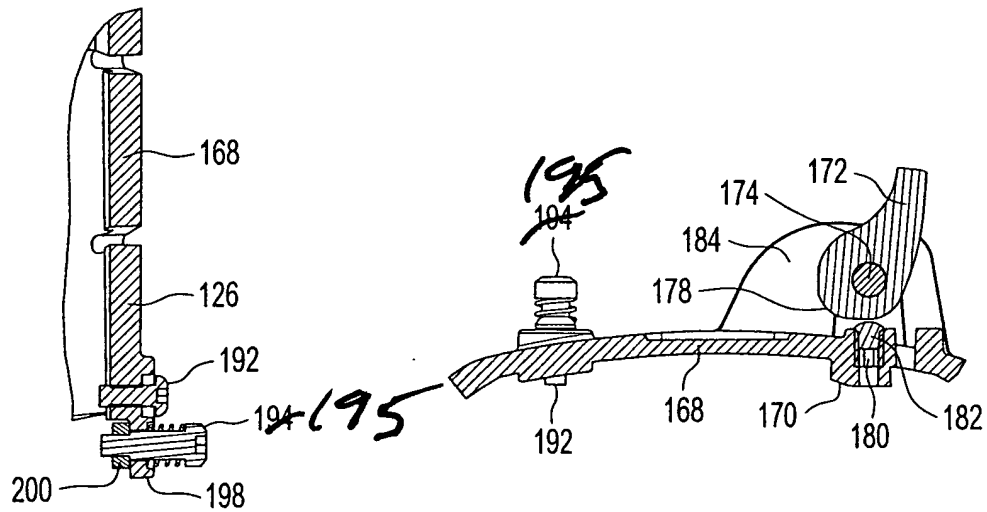


FIG. 12

FIG. 13